



**BRIEFING PAPER**  
WHISTLEBLOWER PROTECTION IN THE EU

# Whistleblower Protection in Romania

## Introduction

In 2004 Romania became the first country in continental Europe to enact a designated whistleblower protection law. The measure was introduced as part of national efforts to tackle corruption within the public administration. While the law only covers employees in the public sector, it has been considered one of the most broadly written whistleblower protection laws in the EU.

However, many experts have criticized the law's implementation, pointing out that retaliation protection remains weak in practice and whistleblower cases are not adequately tracked. Efforts to improve enforcement of the law have not yielded measureable results.

## Laws, Institutions and Procedures

Romania's "Law on the Protection of Public Officials Complaining about Violations of the Law" covers most employees in the public sector. It allows employees to report a wide range of crimes and be protected from retaliation.

Uniquely, the law gives employees the power to choose from a wide range of disclosure channels, including various government institutions, NGOs and the media. The law guarantees whistleblower confidentiality, assumes whistleblowers are acting in good faith unless proven otherwise, allows them to follow their cases, and grants the right of court appeals.

Though the law is widely considered to be strong on paper, the number of reported cases is relatively low, suggesting weak implementation. According to Transparency International Romania, public employees have little or no knowledge of the law. Furthermore, there is no independent agency to investigate cases and disclosures.

There are no specific protections for employees in the private sector.

## Recent or Ongoing Initiatives and Trends

In 2015 the Romanian government released a manual for public officials on how to deal with whistleblowers and informants. The manual refers to changes to the Criminal Procedures Code and aims to facilitate better implementation of legislative frameworks.

While no known government reforms are underway to amend the main whistleblower law, the manual provides some guidance on how to use the existing framework more effectively.

## Whistleblower Cases

In 2013 the case of Constantin Bucur drew worldwide attention when the European Court of Human Rights ruled that the Romanian government violated his right to freedom of expression granted by Article 10 of the European Convention on Human Rights. A former employee of the Romanian Intelligence Service, Bucur was dismissed and convicted of illegally disclosing secret information in 1998 after he revealed that journalists, politicians and business people were being secretly wiretapped. The Court ruled that the public interest in disclosing illegal conduct outweighed the interest of maintaining public confidence in the Intelligence Service.

With the assistance of Transparency International Romania, the case of an engineer at the Public Health Ministry's medical devices office had a significant positive outcome. After disclosing corruption and violations of the law and Code of Conduct, he faced threats, blackmail and dismissal. He eventually won a court case to overturn the disciplinary measures and was reinstated to his position.

## Data and Statistics

The Anti-Corruption General Directorate tracks the number of complaints from public sector employees made under the whistleblower protection law. Between 2011 and 2015, 1,643 reports were made. Among them, one case was registered as abuse in the workplace. No cases are known to have been forwarded to the courts. In 2014, eight whistleblowers were rewarded.

## Public Perception of Whistleblowing

Though Romania has had a whistleblower protection law on the books for more than a decade, the lack of effective implementation has created barriers to the practice of whistleblowing.

Whistleblowers increasingly have been portrayed as advocates of integrity in recent years, increasing their acceptance among the public. Specific perceptions of whistleblowing in Romania are difficult to gauge, however, as few public opinion surveys have been conducted.

According to a 2015 Ernst & Young survey of Romanian businesses, 52 percent said reports to their whistleblower hotlines would be followed up by senior managers.

## Capacities and Knowledge Centers

There are only a few NGOs and government institutions that focus on upholding whistleblower rights. Transparency International Romania has operated an Advocacy and Legal Advice Center since 2003, to which individuals can report corruption and other wrongdoing. The organization advises citizens and employees on legal protections to which they are entitled.